JPL **NASA**

JPL Export Compliance Program

March 28-29, 2000

JPL Export Compliance

"The Jet Propulsion Laboratory is one of the preeminent laboratories in this country conducting basic and applied research in many areas of space technology. JPL is therefore a significant national asset whose technology contributes to our national security.

Our sponsor, the National Aeronautics and Space Administration, wishes to have us expand cooperation with foreign partners. In carrying out international activities, the Jet Propulsion Laboratory shall comply with federal regulations controlling the import and export of technology. It is the responsibility of each and every employee to do their part in the Laboratory's compliance with these regulations."

Deputy Director   - Larry Dumas, JPL

U.S. Export Control Concern

The transfer of commodities, software, or technologies to foreign persons is subject to U.S. export control laws and regulations. These export controls are applicable, regardless of whether the transfer occurs in the U.S. or outside of the U.S.

An Export Is...

- The transfer of anything to a "FOREIGN PERSON" by any means, anywhere, anytime, or the knowledge that what you are transferring to a "U.S. PERSON" will be further transferred to a "FOREIGN PERSON"

Therefore, it's all of the following and more:

- Placing information on the World-Wide-Web, making data available through ftp sites, etc.
- Placing information in the Public Domain
- Shipping items thru JPL Shipping or via couriers (Federal Express, DHL, etc.)
- Verbal discussions w/foreign nationals or presentations to groups that include foreign nationals
- Handcarrying items outside the U.S.
- Mailing, faxing, e-mailing items outside the U.S. or to foreign nationals within the U.S.
- etc., etc.

Key Variables in Export Analysis

- What is the information being transferred or exported?
  - Classify the item to determine whether it is within the ITAR or EAR
- Who is the Recipient/Foreign End-User?
- Where is the ultimate foreign destination?
- What is the Purpose/End-Use?
  - Is there a **NASA need** to export?
- Perform EPCI Screens for Nuclear, Missile & Chem-Bio Screens

Foreign Visitor Program

Short-term visitors

If < 5 days duration, and not from sensitive countries (as defined by NASA), then:

JPL Export Control Group

- determines if visit requires a license
- determines if any restrictions
- notifies Security
- notifies requestor of any restrictions
- maintains records of transaction

Foreign Visitor Program

Short-term visitors

Security

- determines if any other reason to deny access
- informs front gate
- checks passport
- requires escort and badge

Foreign Visitor Program

If sensitive country visitor and >5 days, then:

JPL Export Control Group makes preliminary **JPL** determination and sends request to NASA Headquarters

NASA approves or denies the visit

Foreign Visitor Program

Visits of > 6 days < 30 days

JPL makes initial determination and forwards to NASA Headquarters for approval

If approved, Security notified

If computer access required, Computer Security notified

Foreign Visitor Program

Long-term visitors (> 30 days)

JPL requestor files package with Export Control Group

Background information

- **POB, DOB, citizenship, employment history, marital status, etc.**
- **Task to be performed**
- **Qualifications**
- **Supervisor**
- **Patent agreement**
- **Computer Security**
- **Non-Disclosure**

Foreign Visitor Program

JPL sends all Long-term visitor applications to NASA
If a license is required, JPL or NASA will file the license

If NASA approves, then:

- **Foreign national briefed on appropriate visa status**
- **Foreign national, supervisor and all who regularly interact are briefed on export compliance**
- **Non-Disclosures**
- **Computer Security**
- **Special Picture Badge**

Export Program

Shipping

All hardware shipments classified by Export Control Group

- Check end use and end user
- Classify commodities
- Apply for license if no exemption/exception
- Census number
- Maintain records of all shipments

Export Program

Shipping

Shipping dept. prepares all shipping documents, including SEDs

Export Program

Documents

All hardcopy and electronic documents for publication are cleared for export by the Document Review Group

If not for publication, documents are Internal

All internal documents must be reviewed before transfer to foreign persons

Export Program

Contracts

All JPL foreign contracts are sent to the Export Control Group for review of potential import/export issues

All JPL U.S. contractor's must be responsible for any export issues with their foreign contractors.

Export Program

Software

All software is reviewed initially to make a determination as to whether Caltech wants to *retain rights*

JPL Export Group classifies and obtains export licenses as appropriate

Export Program

Education

- Security Bulletins
- Document Review Articles
- New Employee Orientation
- Project Training
- Noon-time Talks
- Video Tape Presentations
- Web site